

## A JOYOUS, LOUD AMEN

How the Jury's Decision Was Received by a Salvation Army Soldier.

## CAPTAIN TEMPLE'S CASE

Dismissal of the Charge of Assault Against Him—Other Doings in the District Court.

BUTTE, March 7.—The somewhat noted Salvation army case, in which Captain James Temple was defendant on the charge of assault and battery, was tried before a jury in Judge Pemberton's department of the district court today, and proved quite interesting and some of the evidence sensational, and also showed with what trials the army is beset in Butte. Temple was convicted in the police court of assault and battery, and was fined \$25 and costs. His attorney, Mr. Leonard, took an appeal. The first witness this morning was Officer Swanson, who testified for the prosecution. He witnessed the fracas between Captain Temple and W. H. Cole, the old man who was alleged to have been assaulted. Cole came out of an alley back of the O'waley block on Park street dressed in a masquerade suit and joined the ranks of the army as it was passing, when Temple came up and knocked him down. Swanson denied that he furnished Cole with the suit he wore or that he encouraged him to join the army. He also denied that he was at all prejudiced against the Salvation army people.

Officer Scott assisted in making the arrest, and thought Cole had been slightly intoxicated. Oat Olson, an East Park street saloon keeper, saw Cole come out of the alley in his masquerade suit and walk along with the army without molesting anyone, and Temple ran up to him and knocked him down twice without any provocation. Olson was sure Temple struck Cole in the back of the neck and was just as sure that he had no cause for it. Cole had been in the employ of Olson, but he denied having put him up to annoy the army, or that he provided the suit. When asked whether he was at all prejudiced against the Salvation army, the witness replied, "Oh, no," with such emphasis as to cause the jury and spectators to smile.

John Brown, a "clerk" in Olson's saloon, also testified and referred to the army as "the gang," and also insisted that he had no ill feeling against them. Brown was near the fracas and was sure that Temple did not strike Cole, but forcibly pushed him out of the ranks.

W. H. Carnickel, a bartender, was another witness who was not prejudiced in the case, but he differed from the other two witnesses and said that Temple walked around Cole and struck him on the breast, knocking him down twice. Cole had on a clown's dress, and the witness said that it was provided by Salen K. Keizer Olson.

The prosecuting witness was called, but he could not be found, and John McMurray of the *Butte Herald* was called for the defense. He saw Cole standing in the alley waiting for the army to come along and then struck him to the ground and joined the army, and made an attempt to assist the color bearer in carrying the banner. Cole was dressed in a ridiculous clown's suit. Temple came up and tried to push him aside and a scuffle ensued, and both fell to the ground. He was sure that Temple did not strike Cole.

Captain Temple was called to testify and his attorney asked the character of the Salvation army, to which City Attorney Cotter objected on the ground that it did not enter the case. Judge Pemberton thought differently, and said that the defense had offered to show that Cole had disturbed a religious assembly and that Captain Temple was justified in assaulting him.

Mr. Cotter then entered another objection on the ground that no religious organization had a right to hold worship on the streets of Butte.

"That question has been raised in this court before," said the judge, "and there is a question as to the constitutionality of the ordinance allowing some kind of religious to be held and discriminating against others. This court holds that any body has a right to worship where he pleases so long as he does not interfere with the rights of some one else."

The witness was permitted to answer the question and Mr. Cotter took an exception. Captain Temple also said that Cole had disturbed previous meetings of the army and that the night before he was ejected from the ranks at the same place. Temple said that Cole had appeared in different costumes at different times to disturb the meetings. The witness asked if he could tell what Cole told him since the assault, and Mr. Cotter consented. The witness then said he was stopped on the street a few weeks ago by Cole, who asked him if he had been the dupe of Officer Swanson and Salen K. Keizer Olson, who had provided him with his clown's suit and put him up to annoying the army. He would not have obeyed them, but he was drunk.

Mr. Cotter asked Temple whether he did have trouble with other parties on Galena street the same night, and if he did not try to have certain policemen removed from their beats. Temple tried to reply, but his testimony grew damaging to the prosecution and Mr. Cotter tried to have him stop, but the court held that since the prosecution had asked for part of the circumstances, Temple should have the privilege of telling all which he did by stating that the army had been assaulted with snow balls on Galena street, and the captain asked an officer near by to arrest the offenders, but he positively refused and walked away. Temple insisted that the policeman should make the arrest, but he still refused unless Temple would put up a cash bond of \$25, which he could not do. Because the police refused to protect the army Temple did not call an officer when Cole put in an appearance, but tried to push him aside himself. As he pushed him Cole caught hold of a muffer about Temple's neck and both fell to the ground, when they were both arrested by Officers Swanson and Scott.

Several other members of the army testified to about the same thing as Captain Temple, after which the attorneys made their arguments.

The case was given to the jury and after being out less than 10 minutes, a verdict of not guilty was returned and the defendant discharged. When the verdict was announced a Salvation army sister in the back part of the court room gave vent to her feelings with a loud "amen."

**New Cases in Court.**  
The Montana Loan & Realty company, Charles S. Warren and Leo Mantle, this morning brought the first of many suits that will grow out of the sale of property for taxes. The suit is brought against Harry C. Kessler as county treasurer, and an injunction is asked for restraining him from selling 134 lots owned by the plaintiffs and located in Boxes & Epton's railroad addition No. 2, the Central addition, and in block 54 of the Butte original town-site. The valuation placed on the property by the board of appraisers a year ago was objected to by the owners, and they refused to pay the taxes. The commissioners thereupon ordered the property advertised for sale along with the rest of the delinquent list, and

the sale on which opens to-morrow. The plaintiffs allege that the valuation of the property in question is over \$20,000 above its real value. Judge McHatton issued a temporary restraining order, and the defendant was ordered to appear in court next Saturday and show cause, if any, why the injunction should not be granted. F. T. McBride appears for the plaintiffs.

The transcript in an appeal case, in which the city is plaintiff and Le Roy Dowd, defendant. It is a misdemeanor case and the defendant's attorney, Emmet Clare, had demanded and was refused a jury in the police court, upon which ground he appealed to the district court. Lee Mantle and M. J. Connell, through Attorneys Corbett & Wellcome, have commenced another suit against Treasurer Kessler, similar to that of the Montana Realty company, alleging excessive valuation. An order to show cause was issued and the case will be heard Saturday, the treasurer in the meanwhile being restrained from selling the property.

The Butte Sewer Pipe and Tile company commenced an action against the Blue Bird company for a foreclosure of lien, on some brick furnished and used in making improvements.

## Other Court News.

The jury venire was called in Department I, this morning, but only 17 out of the 30 were secured, and a venire was issued for 14 additional names, returnable on Thursday, and consequently there will be no jury trial before that day. A number of those empaneled were excused, while others did not show up. Some were excused because they were foreigners, others were deputy sheriffs and a great many were physically incapable.

In Judge Pemberton's court, the case of the state against Abe Harris, charged with receiving stolen property, was continued for the term upon the application of the assistant county attorney who stated that he could not find a material witness.

The demurrer in the Thompson divorce case was set for hearing next Saturday. The mining case of Silas F. King et al. against John Sweeney et al., which was set for trial in Department I, today, was by agreement of parties, and on motion of counsel for plaintiff, dismissed at plaintiff's costs and without prejudice. The defendants also withdrew their counter claims.

The hearing on the order to show cause in the case of the Montana Loan and Realty company against Fred Felke et al., was continued until next Saturday.

The demurrer in the case of C. H. Authier against Bennett Bros. was overruled, to which the defendant took exception. The defendant was granted 30 days to file an answer. The demurrer in the damage suit of John W. Moore against the Butte Street Railroad company, which had been taken under advisement by the court, was overruled, and the defendant was granted 10 days to file an answer.

By agreement of parties, and on request of counsel for defendants, the case of James Mattingly et al. against Leonard Lewishon et al. was continued for trial until April 15.

By agreement the case of William Noonan against C. E. Kinnman was continued for the term. The demurrer in the damage suit of P. A. Largey against the Blue Bird Mining company was, by consent, overruled, and the defendant granted until March 19 to file an answer.

In the case of Andrew J. Davis against H. C. Kessler, the date for trial was vacated and the matter continued for the term. The same disposition was made of the case of Joseph Lally against the Montana Union Railway company.

In the case of the Montana Union Railway company against C. Larabee et al., the appeal of defendant, James A. Murray, was dismissed on motion.

Mrs. Grace H. Butler was granted letters of guardianship in the matter of the estate of Mary Rose Butler, a minor. The court ordered an allowance of \$15 a month out of the estate of Thomas H. Bowden, deceased, from the date of his death, for the support of W. H. Bowden and Eliza J. Bowden, minor children of Thomas H. Bowden, deceased, and to continue until the final distribution or further order of the court.

## A NEW ORGANIZATION.

Incorporation of the Bitter Root Canal and Mining Company.

BUTTE, March 7.—Articles of incorporation of the Bitter Root Canal and Mining company were filed for record today. The incorporators are B. C. W. Evans, of Butte; James P. Mattingly of Quartz, Missoula county; and George H. Babcock of Phillipsburg. The capital stock is placed at \$5,000,000 in 1,000,000 shares, and all stock subject to assessment on and after the first day of December, 1893. The object of the company is to carry on manufacturing, mining, mechanical, chemical and mercantile business; to acquire, buy and sell, lease and improve all kinds of mines; to construct and own and operate smelting and reduction works; to lease, sell and buy water powers, construct and operate canals and water ditches for irrigating, power and transportation purposes; to deal in real estate, plat and sell lots and townships. For the purpose of raising money to carry out these great schemes the corporation shall have power to execute bonds, debentures, promissory notes or other evidences of indebtedness, and to secure the same by mortgage on the property of the company, real or personal. The term of existence shall be 21 years, and such further period as may be authorized by law. Five trustees are named to govern the business of the great corporation of wild dreams as follows: B. C. W. Evans, James P. Mattingly, George H. Babcock, Ben F. Orcutt and Frank Willett. Butte shall have the main business office, but the business itself has no limits.

**The Race Goes On.**  
BUTTE, March 7.—Bat Leary and Tim Harrington are making the closest race of the season in the contest for first place in the STANDARD's selling contest. Harrington leads today by two only. Donnelly is third, 63 behind Leary; Will Polglaise is fourth, 176 behind Courtney, and Dan Harrington is fifth, 42 behind Polglaise.

Date set March 15, Valley View lots, Bozeman, advance 20 per cent. See Jackman & Conner, this evening, Room 4, New Owsley block, Butte.

**Notice.**  
On and after March 1, 1892, any person known to employ or patronize Chinese, directly or indirectly, will have their names published in the daily press. For order Silver Bow Trades and Labor Assembly.

Go to the Acme, No. 7 East Granite, for good meals. Lunch from 12 to 3 p. m. Dinner from 5 to 8 p. m. Short orders. Open day and night. Strictly anti-Chinese.

YOU can have the STANDARD at your door early every morning. It is the popular favorite, the people's paper. Send in your name.

Dancing.—Miss Belle Robinson will give private instructions in dancing at her residence, 162 West Granite street.

If you want your dentition filled go to McCormick & Hughes.

Bargains in Bozeman real estate, Valley View a specialty. Jackman & Conner, Room 4, New Owsley block.

## Bellamy Place

All Lots Guaranteed Level.

BELLAMY PLACE.  
BOZEMAN

The Bride, Montana the Groom.

UNITED ON NOVEMBER 8.

60 Feet.					60 Feet.
Sold.	Sold.	Sold.	CREAMERY.		Sold.
A	5	4	3	2	1
Sold.	Sold.	Sold.	Lots \$30.00.	Lots \$15.00.	Sold.
60 ft.					60 ft.
Sold.	Sold.	Sold.	CHEESE FACTORY.	\$15.00.	Sold.
B	6	7	8	9	10
Sold.	Sold.	Sold.	\$30.00.	\$15.00.	Sold.
80 ft.					80 ft.
Sold.	Sold.	Sold.	Sold.	\$15.00.	Sold.
16	15	14	13	12	11
Sold.	Sold.	Sold.	Sold.	\$15.00.	Sold.
60 ft.					60 ft.
Sold.	Sold.	Sold.	\$15.00.	\$15.00.	Sold.
17	18	19	20	21	22
Sold.	Sold.	Sold.	\$15.00.	\$15.00.	Sold.
80 ft.					80 ft.
Sold.	Sold.	Sold.	Sold.	\$15.00.	\$15.00.
28	27	26	25	24	23
Sold.	Sold.	Sold.	Sold.	\$15.00.	\$15.00.
60 ft.					60 ft.
Sold.	Sold.	Sold.	\$15.00.	\$15.00.	\$15.00.
29	30	31	32	33	34
Sold.	Sold.	Sold.	\$15.00.	\$15.00.	\$15.00.
80 ft.					80 ft.
\$15.00.	\$15.00.	\$15.00.	\$15.00.	\$15.00.	\$15.00.
40	39	38	37	36	35
\$15.00.	\$15.00.	\$15.00.	\$15.00.	\$15.00.	\$15.00.
60 ft.					60 ft.
\$15.00.	\$15.00.	\$15.00.	\$15.00.	\$15.00.	\$15.00.
41	42	43	44	45	46
\$15.00.	\$15.00.	\$15.00.	\$15.00.	\$15.00.	\$15.00.
80 ft.					80 ft.

## OUR PRICES:

## BUSINESS:

36 feet, adjoining Hotel Bozeman, \$200 per front foot.  
46 feet, opposite Hotel Bozeman, \$125 per front foot. A snap.  
50 feet, half block from Hotel Bozeman, \$75 per front foot. Good value.  
140 feet, on corner and just one block from Opera House and Hotel, \$60 per front foot; this offer only good for 10 days.  
300 feet, on Main street, 3 blocks from Hotel and Opera House, \$20 per front foot. A 1; buy today.  
120 feet on Church street, one square from Hotel and Opera House, \$20 per front foot. This ground is on the thoroughfare to the New Depot.  
74 feet, cor. House and Mendenhall, one-half block from Hotel on the proposed Electric Car Line, \$15 per front foot. A bargain.

We have one of the largest Steam Brick Yards in Montana, and will furnish material on long time and easy payments. Our homes are in Bozeman, and we will forfeit \$1,000 if any misrepresentation is made about our ground. Wherever you invest, buy in Bozeman; if not with us, buy in Bozeman.

## Our Bellamy Place Lots for \$15.

Are the same as your groceryman giving you 18 pounds of sugar for one dollar. No money in them for us at that price.

\$7.50 Cash and \$7.50 on June 1 Buys a \$15 Lot. Call or write us.

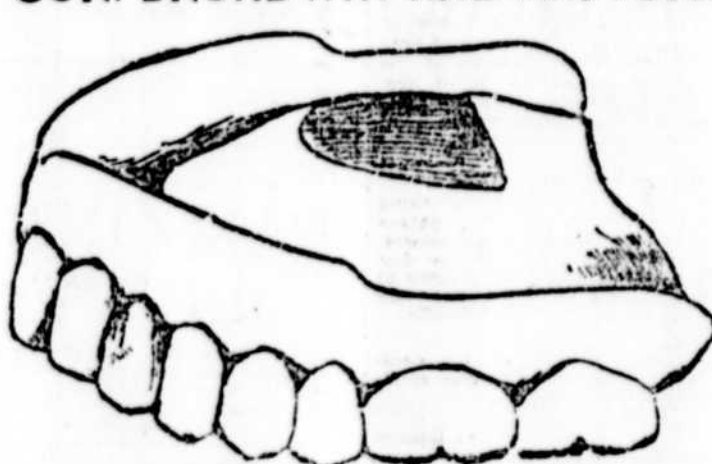
## Bozeman Syndicate,

27 EAST BROADWAY, BUTTE, MONTANA.

Lots on 80 Foot Street, \$15, Corners \$25.

J. W. IMES, Room 44, The Montana Standard.

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Specialty of All Kind of Gold Work. Telephone 178.

## THE COTTAGE HOTEL

Cor. Colorado and Galena Sts.

This hotel will be run on the European plan, in a strictly first-class manner. Rooms light, newly papered, painted and furnished throughout. Every convenience for the comfort of guests. Rates liberal. Now open under the management of

An Excellent Restaurant Run in Connection.

SAM AYOTTE.

## MRS. M. D. BRAY

Has removed from the Mercer block.

119 South Montana Street.

Where she has for rent

CLEAN, NEAT, NEWLY FURNISHED ROOMS.

Electric Light and Steam Heat.

## DO NOT PAY

25 Cents per gallon for Case Oil, when you can buy a much better Oil from us for

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Telephone orders to 317.

—No. 11 East Mercury St.

BUTTE OIL COMPANY.

## McBREEN HOUSE.

Richard McBreen has taken charge of the old

## SILVER LAKE HOUSE.

and refitted and furnished it throughout. Board by the day, week or month at reasonable rates. The hotel will hereafter be known as the McBreen House. Come and see us. No Chinese employed.

## A Want Ad.

In the Standard may get you just the kind of a Situation you are looking for.